

Summary of the Invention

The subject invention relates to a novel nucleic acid construct for delivery of antisense sequences for suppressing target gene expression. The construct includes a pol II promoter region, a 5' and a 3' unmodified U snRNA stem loop structure, and an antisense region located between the 5' and the 3' stem loop structures. Optionally, a ribozyme and/or a 5' trimethylguanosine cap are included in the construct.

Rejection Under 35 U.S.C. §112, first paragraph

Claims 8-11 stand rejected under 35 U.S.C. §112, first paragraph as the breadth of the claims allegedly renders them non-enabled. The Office action states that amendment to point out the relationship of the ribozyme to the gene of interest will provide enablement for the claims. Claim 8 has now been amended to recite that the ribozyme specifically cleaves mRNA transcribed from said target gene. Claims 9-11 depend from claim 8. Applicants submit that the amendment to claim 8 renders the rejection moot.

Rejections Under 35 U.S.C. §112, second paragraph

The Office action states that the previously made rejection to the terms "unmodified" and "suppressive-effective" is withdrawn, but recommends removal of the term. In order to more clearly define the invention, and to advance prosecution of the application, the term "unmodified" has been removed from claim 1 and the term "suppressive-effective" is removed from claim 13, as recommended.

Claim 1 is rejected for the recitation of "of said antisense nucleic acid stem loop structure" in lines 4-5 of the claim. Claim 1 has been amended, rendering the rejection moot.

Claim 12 is rejected for the recitation of "wherein the antisense nucleic acid is targeted to a region of a gene is selected from...". Claim 12 has been amended to delete the second recitation of the word "is," as recommended. Applicants submit that this amendment renders the rejection moot.

Claims 3, 5-13, 15, 17, and 20 are rejected as being dependent of rejected claims 1 and 12. Applicants submit that the amendments to claim 1 and 12 render this rejection moot.

CONCLUSION

In summary, for the reasons set forth herein, Applicant submits ~~that~~ all of the pending claims are now in condition for allowance, which action is requested.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (619) 678-5070.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050.

Respectfully submitted.

Date:

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